IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 18330 of 1994

Between:

Chandrasekhara Picture Palace, Nandyal, Rep.by its Proprietor
Sri.N.Chandrasekhara Reddy, S/o. Eswara Reddy, aged about 53 years,
R/o Nandyal, Kurnool District.

..... PETITIONER

AND

1. The Collector, Kurnool.
2 The Sub-collector, Nandyal, Kurnool District.
3 The Mandal Revenue Officer, Nandyal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of mandamus, declaring the action of the respondents in directing the petitioner to stop the screening of films in Chandrasekhara Picture Palace, Nandyal and seal the theatre as illegal, void and unconstitutional and consequently direct them not to stop the screening of films in the said theatre.

Counsel for the Petitioner: MR.B.D.MAHESWARA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORAL ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in directing the petitioner to stop the screening of films in Chandrasekhara Picture Palace, Nandyal, and seal the theatre as illegal, void and unconstitutional and consequently direct them not to stop the screening of films in the said theatre.

The petitioner submits that he is the Proprietor of Chandrasekhara Picture Palace, Nandyal, which was running under
B-Form License from the year 1974 by getting the license renewed from time to time and he was screening the films in the said theatre duly following the conditions of license and the provisions of A.P. Cinema (Regulation) Act, 1955 and the Rules made there under. While so, on 25.09.1994 the second respondent inspected the theatre at 7.00 PM and he recorded statements from some of the

persons. Subsequently, the third respondent issued an order vide proceedings No.RC.C.1109/94, dated 03.10.1994 directing the petitioner to stop the screening of films in his theatre and seal the same immediately without giving any prior notice or opportunity to the petitioner and the proceedings of the third respondent are wholly illegal, arbitrary, without jurisdiction and against the principles of natural justice.

Learned counsel for the petitioner submits that the Mandal Revenue Officer, Nandyal has issued proceedings No.RC.C.1109/94, dated 03.10.1994 directing the petitioner to stop screening of films in his cinema theatre on the ground that the Sub-Collector, Nandyal has directed him to stop the screening of films in the said theatre. He further submits that the said order is violative of principles of natural justice, as the Sub-Collector, Nandyal, has passed the same without conducting any enquiry whatsoever for arriving to such decision. It is also further argued that no prior notice has been issued to the petitioner before passing the said impugned order and hence the said order is violative of the principles of natural justice.

A reading of the impugned order also goes to show that the 2nd respondent-Sub-Collector, Nandyal has directed the 3rd respondent-Mandal Revenue Officer, Nandyal to stop the screening of films in the petitioner's theatre and accordingly, the Mandal Revenue Officer, Nandyal has issued the impugned proceedings without issuing any prior notice to the petitioner and also without conducting any enquiry.

Under the above circumstances, the impugned order is liable to be quashed and is accordingly quashed. However, it is made clear that the respondents are at liberty to pass appropriate orders in the matter after following due process of law.

The writ petition is accordingly allowed. No costs.

15th July, 2004

Nsr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, the Fifteenth day of July, Two Thousand and Four.

ASSISTANT REGISTRAR

To

1. The Collector, Kurnool.
2 The Sub-collector, Nandyal, Kurnool District.
3 The Mandal Revenue Officer, Nandyal, Kurnool District.

4. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT)

5. Two CD copies.